

ENTERED

January 24, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STELLA IMANUEL,

Plaintiff,

VS.

FOREMOST INSURANCE COMPANY, *et al*,

Defendants.

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CIVIL ACTION NO. 4:17-CV-1575

ORDER OF DISMISSAL

This matter comes before the Court, *sua sponte*, for consideration of the plaintiff's *pro se* complaint for failure to effect timely service on the defendants in accordance with Federal Rule of Civil Procedure 4(m). Specifically, Fed. R. Civ. P. 4(m) provides "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

On September 26, 2017, this Court issued an Order informing the plaintiff of his failure to effect timely service on the defendants in accordance with Fed. R. Civ. P. 4(m) and granting him an additional thirty (30) days within which to effect service on the defendants or otherwise advise this Court of the good cause associated with his failure to do so within the time frame allotted. In its Order, the Court further informed the plaintiff that if service was not effected upon the defendants within 30 days of the date of its Order, his action would be dismissed without prejudice and without further notice, unless good cause was shown for his failure to effect such service within the time frame allotted.

Despite notice and the seven-month pendency of this action, the plaintiff has not attempted any remedial measures to obtain issuance of summons and/or proper service nor has he proffered any suggestion of good cause for his failure to do so. In fact, the plaintiff has failed to offer *any* response. Pursuant to Fed. R. Civ. P. 4(m), the Court is of the opinion that a dismissal of this civil action is appropriate. *See e.g., Thompson v. Brown*, 91 F.3d 20, 21 (5th Cir. 1996) (“If good cause does not exist, the court *may*, in its discretion, decide whether to dismiss the case without prejudice or extend time for service.”) (emphasis in original). The plaintiff has not complied.

Therefore, in accordance with Rule 4(m) of the Federal Rules of Civil Procedure, this Court advises the plaintiff that his case is **DISMISSED**.

It is so **ORDERED**.

SIGNED on this 24th day of January, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge